

Ronnie Fischer *Pro Hac Vice*  
Marcy Railsback  
9720 Wilshire Boulevard, Suite 200  
Beverly Hills, CA 90212  
Telephone: (310) 276-4000  
Ronnie@fischeresq.com  
Marcy@bovinorailsback.com  
  
Attorneys for Plaintiff JERALD A. BOVINO

Brian E. Mitchell (SBN 190095)  
Marcel F. De Armas (SBN 289282)  
Mitchell + Company  
4 Embarcadero Center, Suite 1400  
San Francisco, CA 94111  
Telephone: (415) 766-3515  
Facsimile: (415) 402-0058  
Email: brian.mitchell@mcclawoffices.com  
mdearmas@mcclawoffices.com

Attorneys for Defendant INCASE DESIGNS,  
CORP

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO**

JERALD A. BOVINO,  
  
Plaintiff,  
  
vs.  
  
INCASE DESIGNS, CORP,  
  
Defendant.

Case No.: 3:14-cv-02105-VC

STIPULATED REQUEST FOR LEAVE TO FILE  
EARLY MOTION FOR SUMMARY JUDGMENT

INCASE DESIGNS, CORP,  
  
Counterclaimant,  
  
vs.  
  
JERALD A. BOVINO,  
  
Counter-defendant.

1 Pursuant to Civil L.R. 7-12 and the Court's recommendation at the Case Management  
2 Conference held on October 7, 2014, Plaintiff Jerald A. Bovino ("Plaintiff") and Defendant Incase  
3 Designs, Corp ("Defendant") hereby jointly request that the Court to allow Defendant to file an early  
4 Motion for Summary Judgment on Defendant's defenses to liability and damages based Plaintiff's  
5 Settlement and License Agreement with Apple, Inc. and Target Corporation (the "License  
6 Agreement"). In support of this request, the parties state the following:

7 1. Defendant believes that the terms of the License Agreement provides a license,  
8 covenant not to sue, and release that covers Incase and its products.

9 2. At the CMC, Plaintiff's counsel agreed that if the License Agreement covers the  
10 accused products there is no infringement and no damages.

11 3. The Motion for Summary Judgment can be decided on the papers, as it is purely a  
12 matter of contract interpretation.

13 4. Accordingly, the parties jointly request that the Court allow Defendant to file an early  
14 Motion no later than January 15, 2015.

15 Dated: October 29, 2014

16 By: /s/ Ronnie Fischer  
17 Ronnie Fischer

18 Attorney for Plaintiff Jerald A. Bovino

19 Mitchell + Company

20 Dated: October 29, 2014

21 By: /s/ Brian E. Mitchell  
22 Brian E. Mitchell

23 Attorney for Defendant Incase Designs, Corp.  
24  
25  
26  
27  
28

**[PROPOSED] ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2014

---

Vince Chhabria  
UNITED STATES DISTRICT JUDGE

**ATTESTATION**

I, Marcel F. De Armas, am the ECF User whose ID and password are being used to file this document. In compliance with Local Rule 5-1(i)(3), I hereby attest that Ronnie Fischer has concurred in this filing.

Dated: October 29, 2014

By: /s/ Marcel F. De Armas  
Marcel F. De Armas